

(Del. Rev. 11/14) Pro Se General Complaint Form

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

RYAN SCOTT HOLZBAUM TRUST
UNITED STATES, INC.

(In the space above enter the full name(s) of the plaintiff(s).)

-against-

TESLA, INC.

(In the space above enter the full name(s) of the defendant(s).
If you cannot fit the names of all of the defendants in the
space provided, please write "see attached" in the space
above and attach an additional sheet of paper with the full list
of names. The names listed in the above caption must be
identical to those contained in Section I. Do not include
addresses here.)

Civ. Action No. 21 - 1587
(To be assigned by Clerk's
Office)

COMPLAINT
(Pro Se)

Jury Demand?

☐ Yes
☒ No

2021 NOV 10 AM 11:30

U.S. DISTRICT COURT
DISTRICT OF DELAWARE

NOTICE

Federal Rule of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

If this is an employment discrimination claim or social security claim, please use a different form.

Plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

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I. PARTIES IN THIS COMPLAINT**Plaintiff**

List your name, address and telephone number. If you are presently in custody, include your identification number and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff: RYAN SCOTT HOLZBAUR TRUST
Holzbaur, Ryan-Scott
 Name (Last, First, MI)
c/o 6 Jamestowne Drive
 Street Address
New Castle, Bear, Delaware [19701]
 County, City State Zip Code
(302) 650-4030
 Telephone Number
RSHTTrust@protonmail.com
 E-mail Address (if available)

Defendant(s)

List all defendants. You should state the full name of the defendants, even if that defendant is a government agency, an organization, a corporation, or an individual. Include the address where each defendant can be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant 1: TESLA, INC.
c/o The Corporation Trust Company
 Name (Last, First)
1209 Orange Street
 Street Address
New Castle, Wilmington, Delaware 19801
 County, City State Zip Code

Defendant 2:
 Name (Last, First)
 Street Address
 County, City State Zip Code

Defendant(s) Continued

Defendant 3:

Name (Last, First)

Street Address

County, City

State

Zip Code

Defendant 4:

Name (Last, First)

Street Address

County, City

State

Zip Code

II. BASIS FOR JURISDICTION*Check the option that best describes the basis for jurisdiction in your case:*

- ☐ **U.S. Government Defendant:** United States or a federal official or agency is a defendant.
- ☐ **Diversity of Citizenship:** A matter between individual or corporate citizens of different states and the amount in controversy exceeds \$75,000.
- ☒ **Federal Question:** Claim arises under the Constitution, laws or treaties of the United States.

If you chose "Federal Question", state which of your federal constitutional or federal statutory rights have been violated.

Please see attached UCC 1 and UCC 3 Assignment to the United States Department of Treasury, making the U.S., a plaintiff. Furthermore, my claim arises under violations of my rights, given to me by my creator, and protected under the constitution. Also violations of the Uniform Commercial Code, the Emergency Banking Relief Act of 1933, HJR 192, codified at 31 U.S.C. 5118(d)(2). Also, 28 US Code §1332.

III. VENUE

This court can hear cases arising out of the Counties of New Castle, Kent, and Sussex in the State of Delaware.

Under 28 U.S.C § 1391, this is the right court to file your lawsuit if: (1) All defendants live in this state AND at least one of the defendants lives in this district; OR (2) A substantial part of the events you are suing about happened in this district; OR (3) A substantial part of the property that you are suing about is located in this district; OR (4) You are suing the U.S. government or a federal agency or official in their official capacities and you live in this district. Explain why this district court is the proper location to file your lawsuit.

Venue is appropriate in this Court because:

A substantial part of the property that I am suing about is located in this district.

IV. STATEMENT OF CLAIM

Place(s) of
occurrence:

6 Jamestowne Drive, Bear, Delaware [19701]

Date(s) of occurrence: *October 31, 2021*

State here briefly the FACTS that support your case. Describe how each defendant was personally involved in the alleged wrongful actions.

FACTS:

What
happened to
you?

Tesla, Inc., by and through their agents, Metro Investigation and Recovery Solutions, illegally stole (claims "repossessed") the 2021 Model S Plaid (VIN#5YJSA1E62MF438008) bought by the RYAN SCOTT HOLZBAUM TRUST. On August 28, 2021, in Cherry Hill, New Jersey, I tendered payment to Tesla, Inc., as per UCC 3-603, and took possession of said Model S. After completing the transaction, I had possession of the Model S,

and wanted to establish the trust's security and priority interest in the property. I filed a UCC-1 Financing Statement (Exhibit A), then took a certified copy of that same UCC-1, and recorded it at the New Castle County Recorder of Deed's office (Exhibit B). To secure full discharge and acquittance of all debts, both public and private, and to secure safe harbor during my lifetime, I filed a UCC-1 (Exhibit C) and a UCC-3 Assignment (Exhibit D) of certain securities to the United States Department of Treasury, as per Title 50 Appendix 7(e). On Friday, September 3, 2021, Ms. Elizabeth Aguirre Rivas, from Tesla's Financial Operations team, informed me that Tesla refused my tendered payment. At that point, as per UCC 3-603, there is discharge to the extent of the amount of the tender. Ms. Rivas refused this lawful remedy. At this point, on October 11, 2021, I sent Tesla, attention Elon Musk, CEO, a Validation of Debt and Proof of Claim, via USPS Certified Mail (Exhibit E). As per the Fair Debt Collection Act, as referenced in the Validation, all collections, including repossession and deactivation, should have ceased. Instead, Tesla, again, dishonored the lawful, Validation of Debt and Proof of Claim, and illegally took trust property from my legally posted, NO TRESPASSING, private domicile. On November 1, 2021, I sent the UCC 1 Financing Statement that was recorded on the county, in New Castle Delaware, to Ms. Rivas. She forwarded the documents to Tesla's legal department. I am now praying to this Court for relief, with clean hands, and in honor.

Was anyone
else
involved?

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Who did
what?

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V. INJURIES

If you sustained injuries related to the events alleged above, describe them here.

As Executive Trustee of this trust, the loss of my property is not acceptable. Losing the ability to travel, severely limits productivity and my ability to earn/work.

VI. RELIEF

The relief I want the court to order is:

- ☐ Money damages in the amount of: \$ _____
- ☒ Other (explain):

immediate release of the 2021 Tesla Model S Plaid (VIN#5YJSA1E61MF438008), and Tesla needs to send me the Manufacturers Certificate of Origin.

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VII. CLOSING

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending or modifying existing law; and (3) complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

November 10, 2021

Dated

BY: Ryan Scott

Plaintiff's Signature

Holzbaur, Ryan-Scott

Printed Name (Last, First, MI)

c/o 6 Jamestowne Drive Bear

Address

City

Delaware

State

[19701]

Zip Code

(302) 650-4030

Telephone Number

RSHTrust@protonmail.com

E-mail Address (if available)

List the same information for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.